

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

_____)	
UNITED STATES OF AMERICA,)	
)	
And,)	
)	
THE STATE OF LOUISIANA)	
)	
Plaintiffs,)	Civil Action No. 17-CV-1660
)	
v.)	
)	
ORION ENGINEERED CARBONS, LLC,)	
)	
Defendant.)	
_____)	

UNOPPOSED JOINT MOTION TO ENTER FIRST AMENDMENT TO
CONSENT DECREE

Plaintiffs, the United States of America (“United States”), on behalf of the Environmental Protection Agency (“EPA”), and the Louisiana Department of Environmental Quality (“LDEQ”), submit this Unopposed Joint Motion to Enter First Amendment to Consent Decree (“Motion”) pending in this action.

The Consent Decree (“Consent Decree”), entered by this Court on June 7, 2018, resolved claims by the United States and the State of Louisiana alleging violations of certain Clean Air Act (“CAA”) provisions at Orion Engineered Carbons, LLC’s (“Defendant’s”) four carbon black manufacturing facilities in Franklin, Louisiana (“Ivanhoe”), Borger, Texas, Orange, Texas, and Belpre, Ohio (“Belpre”). The Consent Decree requires, *inter alia*, that Defendant reduce harmful

emissions of sulfur dioxide, nitrogen oxides, and particulate matter through the installation and operation of pollution controls. The proposed First Amendment to Consent Decree (“CD Amendment”) would, if entered by the Court, make modifications to the Consent Decree to address and resolve claims by Defendant that Force Majeure events, including the COVID-19 crisis and Hurricane Ida, caused delays in meeting certain compliance deadlines at Ivanhoe. The modifications extend certain compliance deadlines at Ivanhoe and move up certain deadlines at Belpre. The proposed CD Amendment maintains Defendant’s ultimate obligation to install and operate pollution controls at all four facilities.

On November 19, 2021, the proposed CD Amendment was lodged with this Court in accordance with 28 C.F.R. § 50.7 and Department of Justice policy in order to give the public the opportunity to comment (Rec. Doc. 11). On December 10, 2021, notice of lodging was published in the Federal Register. 86 Fed. Reg. 70533 (Dec. 10, 2021). The Attorney General is authorized to withdraw or withhold consent to the proposed judgment if public comments disclose facts or considerations which indicate that the CD Amendment is inappropriate, improper, or inadequate. *See* CD Amendment ¶ 17. However, the 30-day comment period has passed and no comments were received. The United States continues to believe that the CD Amendment is fair, adequate, reasonable, and consistent with the CAA. Therefore, the United States has concluded that the CD Amendment meets the legal standard for entry, and LDEQ concurs with that assessment. Orion has agreed not to oppose entry of the CD Amendment, and only the United States conditioned its final approval on the public comment process. *See* CD Amendment ¶ 17. Therefore, the United States and LDEQ respectfully request that the Court approve and enter the proposed CD Amendment by signing page 16 of the CD Amendment, submitted as Exhibit 2 to this Motion.

Respectfully submitted,

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